

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

680C0696

## SENATE COMMERCE COMMITTEE ENGROSSED NO. **HB1207** - 2/16/99

Introduced by: Representatives Michels, Crisp, Duniphan, Earley, and Monroe and Senators  
Everist, Daugaard, and Halverson

1 FOR AN ACT ENTITLED, An Act to increase the time period for which a driver's license is  
2 revoked for certain drug offenses.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-12-52.3 be amended to read as follows:

5 32-12-52.3. Upon a first conviction or a first adjudication of delinquency for a violation,  
6 while in a motor vehicle, of §§ 22-42-5 to 22-42-11, inclusive, 22-42A-3 or 22-42A-4, the court  
7 shall revoke the driver's license or driving privilege of the person so convicted for a period of  
8 ~~ninety~~ one hundred eighty days. However, the sentencing court may impose a sentence other  
9 than that specified in this section if the court finds that mitigating circumstances exist which  
10 require a departure from the mandatory sentence provided for in this section. The court's finding  
11 of mitigating circumstances allowed by this section and the factual basis relied upon by the court  
12 shall be in writing.

13 Upon a second or subsequent conviction or a second or subsequent adjudication of  
14 delinquency for a violation, while in a motor vehicle, of §§ 22-42-5 to 22-42-11, inclusive,  
15 22-42A-3 or 22-42A-4, the court shall revoke the driver's license or driving privilege of the  
16 person so convicted for a period of one year or until the person's seventeenth birthday, whichever

1 is a longer period of time. For any offense under this section, the court may issue an order  
2 permitting the person to operate a motor vehicle for purposes of the person's employment or  
3 attendance at school. Notwithstanding the provisions of chapters 26-7A, 26-8A, 26-8B, and  
4 26-8C, the Unified Judicial System shall notify the Department of Commerce and Regulation of  
5 any conviction or adjudication of delinquency for a violation, while in a motor vehicle, of  
6 §§ 22-42-5 to 22-42-11, inclusive, 22-42A-3 or 22-42A-4. The period of revocation shall begin  
7 on the date the person's revoked driver's license is received by the court or the department. At  
8 the expiration of the revocation period, a person may make application as provided by law and  
9 shall pay the license fee prescribed in § 32-12-47.1.

1    **BILL HISTORY**

2    1/27/99 First read in House and referred to committee assignment waived. H.J. 213

3    1/28/99 Referred to Judiciary. H.J. 240

4    2/1/99 Scheduled for Committee hearing on this date.

5    2/1/99 Judiciary Do Pass, Passed, AYES 10, NAYS 1. H.J. 310

6    2/3/99 House of Representatives Do Pass, Passed, AYES 61, NAYS 1. H.J. 354

7    2/4/99 First read in Senate and referred to Commerce. S.J. 342

8    2/11/99 Scheduled for Committee hearing on this date.

9    2/16/99 Scheduled for Committee hearing on this date.

10   2/16/99 Commerce Do Pass Amended, Passed, AYES 6, NAYS 1. S.J. 493